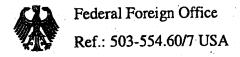
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## Note Verbale

The Federal Foreign Office presents its compliments to the Embassy of the United States of America and has the honor to confirm receipt of its Note Verbale No. 540 of 11 August 2003, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Federal Foreign Office and has the honor to refer to the Arrangement of 29 June 2001 between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the granting of exemptions and benefits to enterprises charged with providing services in the field of analytical activities to the United States Forces stationed in the Federal Republic of Germany and to propose that the following Amendatory Arrangement be concluded:

1. The sentences: "Furthermore, these enterprises, as prime contractors of the United States Forces may, for a small number of employees, conclude contracts with subcontractors to fulfill their contractual obligations. These contracts require the approval of the United States Forces. The providers of such Analytical Support Services, whether prime contractors or their subcontractors, are hereinafter uniformly referred to as enterprises." are to be inserted after paragraph 2, sentence 1 of the Arrangement of 29 June 2001 between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the granting of exemptions and benefits to enterprises charged with providing services in the field of

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analytical activities to the United States Forces stationed in the Federal Republic of Germany. The amended paragraph shall read as follows: "In order to provide services in the field of analytical activities to the United States Forces stationed in the Federal Republic of Germany the Government of the United States of America intends to conclude contracts with a number of enterprises for the provision of such services (hereinafter referred to as Analytical Support Services). Furthermore, these enterprises, as prime contractors of the United States Forces may, for a small number of employees, conclude contracts with subcontractors to fulfill their contractual obligations. These contracts require the approval of the United States Forces. The providers of such Analytical Support Services, whether prime contractors or their subcontractors, are hereinafter uniformly referred to as enterprises."

- "Where subcontractors are utilized, the required services may not further be subcontracted by these subcontractors. The subcontractor may not perform work outside the scope of the prime contract. The activity of the subcontractor in the Federal Republic of Germany shall exclusively serve the forces of the United States of America stationed here. The subcontractor will not commence work under the subcontract until status pursuant to Article 72, paragraph (4) of the NATO SOFA SA has been granted in a separate arrangement for the performance of services under the subcontract. Neither the subcontractor nor his/her employees may enjoy exemptions and benefits pursuant to Article 72 of the NATO SOFA SA beyond the period of performance stated in the prime contract. The Government of the United States of America recognizes its responsibility to ensure the compliance by the subcontractor of his/her obligations hereunder and commits itself to withdraw immediately any benefit which the subcontractor may have obtained under this Arrangement in the event that he/she violates any of the aforementioned restrictions."
  - 3. Numbers 2-12 shall be renumbered 3-13.

- 4. In number 6 sentences 2 and 3 (old numbering) the words "number 5" are to be replaced by the words "number 6".
- 5. In number 11 sentence 2 (old numbering) the words "number 2, letter (c)" are to be replaced by the words "number 3, letter (c)".
- 6. This Amendatory Arrangement shall be concluded in the English and German languages, both texts being equally authentic.

If the Government of the Federal Republic of Germany agrees to the proposals of the Government of the United States of America contained in numbers 1 to 6 above, this Note Verbale and the Note in reply thereto from the Federal Foreign Office expressing the agreement of the Government of the Federal Republic of Germany shall constitute an Arrangement to amend the aforementioned Arrangement of 29 June 2001, to enter into force on 11 August 2003.

The Embassy of the United States of America avails itself of this opportunity to renew to the Federal Foreign Office the assurance of its highest consideration."

The Federal Foreign Office has the honor to inform the Embassy of the United States of America that the Government of the Federal Republic of Germany agrees to the proposals made by the Government of the United States of America. Accordingly, the Note Verbale from the Embassy of the United States of America No. 540 of 11 August 2003 and this Note in reply thereto shall constitute an Arrangement to amend the Arrangement of 29 June 2001 between the Government of the Federal Republic of Germany and the Government of the United States of America concerning the granting of exemptions and benefits to enterprises charged with providing services in the field of analytical activities to the United States Forces stationed in the Federal Republic of Germany which shall enter into force on 11 August 2003 and of which the German and English texts shall be equally authentic.

The Federal Foreign Office avails itself of this opportunity to renew to the Embassy of the United States of America the assurance of its high consideration.

Berlin, 11 August 2003

